UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580,

Petitioner,

v.

NEXWAY, INC.
4804 Mission St., Suite 208,
San Francisco, California 94112
,

Respondent.

1:21-mc-00145-TNM

ORDER

Upon consideration of Petitioner Federal Trade Commission's *ex parte* Motion to Temporary Seal Exhibits 21, 29, 30, 31 and 32 to the Petition to Enforce Civil Investigative Demand ("Motion"), and having reviewed the submissions of counsel and the record, the Court finds that good cause exists to temporarily seal these exhibits. Specifically, the Court finds as follows:

1. These documents contain information submitted to Commission staff during the course of the Commission's investigation or otherwise designated as "confidential";

2. The Federal Trade Commission Act and the Commission's Rules of Practice restrict from disclosure materials produced in response to FTC compulsory process as well as other information submitted to the FTC with a designation as "confidential," and the Commission may only disclose such materials in court or adjudicative proceedings consistent with the Commission's Rules. *See* 15 U.S.C. §§ 57b-2(b)(3)(C), (c)(1), (c)(2), (c)(3), (d)(2); 16 C.F.R. §§ 4.10(a)(8), (a)(9),

(d);

3. The Commission's Rules allow such disclosure if "the submitter [is] afforded an opportunity to seek an appropriate protective or *in camera* order." 16 C.F.R. § 4.10(g);

4. The Commission's Motion is consistent with all of these authorities, protecting from disclosure material produced pursuant to the FTC's CID or otherwise designated as "confidential" while giving Respondent the opportunity to seek its own protections; and

5. The Commission's request for a temporary seal is narrowly tailored to limit public access to this information for the minimal period required for Respondent to determine whether to seek its own protections.

For the foregoing reasons, it is hereby

ORDERED that Exhibits 21, 29, 30, 31, and 32 to the Federal Trade Commission's Petition to Enforce Civil Investigative Demand are sealed and shall remain under seal until the later of the following periods: (1) ten (10) days after Petitioner Federal Trade Commission notifies this Court that it has served Respondent Nexway with the Order to Show Cause and its Motion to Temporary Seal; or (2) Respondent Nexway files its own motion for protective order or to seal, and this Court rules upon such motion; and

ORDERED that if Respondent Nexway files no motion for protective order or to seal within ten days of notice of these proceedings by the Petitioner Federal Trade Commission, then the seal shall be lifted and the documents described above be placed on the public record; and it is further

ORDERED that the FTC shall promptly provide a copy of this Order to representatives of Respondent Nexway.

SO ORDERED, this 29th day of November, 2021.

Trevor N. McFadden
UNITED STATES DISTRICT JUDGE